



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

May 3, 2004

Maria M. Oms
Auditor-Controller
John F. Krattli
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **Dolores Abrego, Noyla Abrego, Delmy Abrego, Dina Cruz,**
Marlene Abrego, Edgar Abrego v. County of Los Angeles
Los Angeles Superior Court Case No. TC 016 153

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$130,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Health Department.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report is being transmitted to you under separate cover by the Health Department.

Return the executed, adopted copy to Georgene Salisbury, Suite 648
Kenneth Hahn Hall of Administration, Extension 4-1754.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO/gs

Enclosure

MEMORANDUM

April 22, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: KENNETH A. MARANGA, Esq.
Maranga Morgenstern

OWEN L. GALLAGHER
Principal Deputy County Counsel
General Litigation Division

RE: Dolores Abrego, Noyla Abrego, Delmy Abrego, Dina Cruz, Marlene
Abrego, Edgar Abrego v. County of Los Angeles
Los Angeles Superior Court Case No. TC016153

DATE OF
INCIDENT: May 2, 2002

AUTHORITY
REQUESTED: \$130,000

COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☐

Recommend to Board of
Supervisors for Approval

_____, Chief Administrative Office
ROCKY ARMFIELD

_____, County Counsel
JOHN F. KRATTLI

_____, Auditor-Controller
MARIA M. OMS

on _____, 2004

SUMMARY

This is a recommendation to settle for \$130,000 the wrongful death lawsuit brought by Dolores Abrego (husband), Noyla Abrego (daughter), Delmy Abrego (daughter), Marlene Abrego (daughter), and Dina Cruz (daughter) for the death of Reyna Abrego subsequent to her discharge from King/Drew Medical Center on May 3, 2002. There is no Medi-Cal lien.

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On May 2, 2002, Reyna Abrego, a 60-year-old woman, was seen in the Emergency Room at King/Drew Medical Center with complaints of severe chest pain radiating to her back. Medical personnel ordered a chest x-ray, a test to record electric activity of the heart (electrocardiograph [EKG]), and laboratory tests to eliminate the possibility that Reyna Abrego's symptoms might be the result of localized tissue death of a portion of heart muscle caused by an obstruction in a coronary artery (myocardial infarction). Results of laboratory tests were interpreted as normal.

At 11:15 a.m., results of an x-ray of Reyna Abrego's chest were interpreted as indicating minor changes in Reyna Abrego's heart and blood vessels typically associated with high blood pressure (hypertension). The x-ray also revealed an abnormal widening of the chest cavity (mediastinum). However, the radiology report did not mention the abnormal widening of the mediastinum. A widening of the mediastinum may be caused by the presence of a localized swelling in the large vessel that carries oxygenated blood from the heart (dissecting aortic aneurysm). If left untreated, a dissecting aortic aneurysm may rupture and fill the membrane enclosing the heart (pericardium) with escaped blood, resulting in an inability of the heart to fill due to compression (pericardial tamponade). Based upon the absence of a reference in the radiology report of an abnormal widening of the mediastinum, emergency room personnel did not order further diagnostic studies that would have indicated the presence of a dissecting aortic aneurysm.

Reyna Abrego's complaints of chest pain lessened throughout the day, and her condition appeared to improve with medication. Additional laboratory tests were interpreted as normal.

On May 3, 2002, at 2:30 a.m., Reyna Abrego was discharged with instructions to schedule a follow-up examination at Imperial Heights Health Center within two days, and to return to the Emergency Room if her chest pain returned.

At 5:14 p.m. that evening, Reyna Abrego died while at home. An autopsy performed by the Los Angeles County Coroner attributed the cause of death to a pericardial tamponade resulting from a ruptured aortic aneurysm.

DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

Dolores Abrego,	
Loss of Future Spousal Services	\$154,000
Loss of Future Support	\$264,000
Loss of Care, Comfort	
and Companionship (MICRA limit)	\$ 50,000
Noyla Abrego,	
Loss of Care, Comfort	
and Companionship (MICRA limit)	\$ 50,000
Delmy Abrego,	
Loss of Care, Comfort	
and Companionship (MICRA limit)	\$ 50,000
Marlene Abrego,	
Loss of Care, Comfort	
and Companionship (MICRA limit)	\$ 50,000
Dina Cruz,	
Loss of Care, Comfort	
and Companionship (MICRA limit)	\$ 50,000
Funeral Expenses	\$ 8,000
Costs of Litigation	\$ <u>12,000</u>
TOTAL	\$688,000

The proposed settlement includes:

Dolores Abrego,	
Loss of Care, Comfort	
and Companionship	\$ 14,766.80
Noyla Abrego,	
Loss of Care, Comfort	
and Companionship	\$ 14,766.80
Delmy Abrego,	
Loss of Care, Comfort	
and Companionship	\$ 14,766.80
Marlene Abrego,	
Loss of Care, Comfort	
and Companionship	\$ 14,766.80

Dina Cruz,	
Loss of Care, Comfort	
and Companionship	\$ 14,766.80
Attorneys Fees (MICRA Estimate)	\$ 44,166.00
Costs of Litigation	<u>\$ 12,000.00</u>
TOTAL	\$130,000.00

STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through March 10, 2004, are attorneys fees of \$55,205.37 and \$9,343.82 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)	\$130,000.00
County Attorneys Fees and Costs	<u>\$ 64,549.19</u>
TOTAL	\$194,549.19

EVALUATION

Medical experts will be critical of the failure of medical personnel to appreciate the results of the May 2, 2002, x-ray of Reyna Abrego's chest as indicating an abnormal widening of the mediastinum. This failure fell below the standard of care, resulted in a missed opportunity to perform further diagnostic studies that would have revealed Reyna Abrego's dissecting aortic aneurysm, and is directly responsible for the results observed here.

We join with our private counsel, Maranga Morgenstern, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$130,000.

The Department of Health Services concurs in this settlement.